

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTRON TALLEY,)	
)	
Petitioner,)	Civil Action No. 18-1006
)	Magistrate Judge Maureen P. Kelly
v.)	
)	
DISTRICT ATTORNEY OF ALLEGHENY)	Re: ECF No. 31
COUNTY and THE ATTORNEY GENERAL)	
OF THE STATE OF PENNSYLVANIA)	
)	
Respondents.)	

ORDER

Antron Talley (“Petitioner”) is a state prisoner currently incarcerated at the State Correctional Institution at Forest (“SCI-Forest”) in Marienville, Pennsylvania. Petitioner seeks habeas corpus relief pursuant to 28 U.S.C. § 2254 from his state criminal conviction in the Court of Common Pleas of Allegheny County at Docket No. CP-02-CR-1397-2014. ECF No. 19 at 1.

Presently before this Court is Petitioners’ self-styled “Response to Order ECF No. 26.¹” ECF No. 31. In this filing, Petitioner moves for an order compelling the production of the complete files of the Allegheny County Public Defender² and the Allegheny County District

¹ ECF No. 26 is this Court’s Order directing Respondents to answer or otherwise respond to the Amended Petition.

² According to the state court docket, Petitioner was represented by the Allegheny County Public Defender’s Office in his underlying state court proceedings. See Docket of Case No. CP-02-CR-1397-2014 (available at <https://ujsportal.pacourts.us/Report/CpDocketSheet?docketNumber=CP-02-CR-0001397-2014&dnh=qxGfMoEtgWkYPUZs1TRJtg%3D%3D> (last visited Jan 18, 2022)).

Attorney's Office regarding Petitioner's above-referenced conviction. Id. at 2. Petitioner also seeks leave to propound unspecified requests for admission.³ Id.

"A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." Bracy v. Gramley, 520 U.S. 899, 904 (1997). See also Harris v. Nelson, 394 U.S. 286, 300 (1969) ("broad-ranging preliminary inquiry is neither necessary nor appropriate in the context of a habeas corpus proceeding."). Discovery is authorized in Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts only by leave of court upon a showing by the petitioner of "good cause," which may be made "where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief[.]" Harris, 394 U.S. at 300. See also Bracy, 520 U.S. at 908-09. Rule 6(b) of the Rules Governing Section 2254 Cases further requires that a request for discovery must include "any proposed interrogatories and requests for admission, and must specify any requested documents."

This Court will not entertain a request for discovery in this case until after Respondents have filed their answer to the Amended Petition, ECF No. 19, which is currently due by February 4, 2022. ECF No. 26. Petitioner may file a renewed motion for discovery within 30 days of service of the answer, which is also the date his reply to the answer is due. Local Rule 2254.E.2. This Court will provide the parties with the opportunity to submit supplemental memoranda of law in the event that discovery is permitted and/or an evidentiary hearing is held.

³ Petitioner asserts that he has attempted to obtain these files in the past – including those apparently in the possession of his former attorneys – but provides no detail as to how or when he attempted to obtain them, or what responses he received, if any. Petitioner also fails to provide any indication of what specific documents he is seeking and believes that he may find in these files, or how they might support his petition for habeas relief. Without these details, it is unclear whether good cause exists for this Court's intervention pursuant to Rule 6 of the Rules Governing Section 2254 Cases.

AND NOW, this 18th day of January, 2022, IT IS HEREBY ORDERED, ADJUDGED and DECREED the Petitioner's "Response to Order ECF No. 26," ECF No. 31, is DENIED WITHOUT PREJUDICE as set forth above.

Dated: January 18, 2022

BY THE COURT:

/s/ Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: ANTRON TALLEY
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